

## **WILKINSBURG BOROUGH COUNCIL MEETING**

**Legislative Session**

**September 15, 2010**

### **CALL TO ORDER**

President Moore called the meeting to order at approximately 7:10 PM in Council Chambers, second floor of the Municipal Building, 605 Ross Ave., Wilkesburg, PA.

### **ROLL CALL**

The roll was called to establish a quorum. Council members present were: Mr. Lefebvre, Ms. Ervin, Ms. Evans, Ms. Trice, Mr. Cohn, Mr. Lewis, Ms. McCarthy-Johnson and President Moore. Also present were Marla P. Marcinko, Borough Manager, and Isobel Storch, Esquire from the Law Offices of Patricia McGrail, L.L.C., Borough Solicitor. Ms. Macklin and Mayor John Thompson were absent. President Moore reported Ms. Macklin as having an excused absence. A quorum was established.

### **PLEDGE OF ALLEGIANCE**

President Moore requested a moment of silence be observed for victims of violent crime.

### **PUBLIC COMMENT**

**Tom Arndts – Dollar General Corp., Nashville, TN** – Expressed his desire to present Dollar General Corporation's company philosophy to Council. Mr. Arndts advised of their intention to take action quickly on any issues/problems and described the company's mission.

President Moore expressed pleasure with the presence of the new Dollar General store on Laketon Road.

Ms. Ervin inquired as to whether the store at Penn Ave and Wood Street would remain open and Mr. Arndts indicated that it would.

President Moore inquired if any residents had been hired by the store and Mr. Arndts responded that 15 residents had been hired.

**Ed Larkins – 908 Wood St.** – Mr. Larkins requested to be permitted to place chairs on the sidewalk in front of his hair salon on Wood Street for his customers and employees. Ms. Marcinko advised Mr. Larkins of the restriction in the ordinance for placing goods, wares and merchandise on the sidewalk but she could not find any restrictions for the placement of chairs. Ms. Marcinko advised that Council does have the ability to regulate possible obstructions on sidewalks and deferred to the Solicitor for further advice. Ms.

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Storch advised that she will need to review the Borough Code and Borough ordinances in order to provide an opinion. Mr. Larkins inquired as to whether, if approved, he would receive a permit as he has been issued 3 citations. Mr. Larkins indicated that two citations were dismissed and that he was found guilty on one of the citations. Ms. Storch requested to be provided this information as part of her review of the matter.

**Rasul Aquil -714 Rebecca Ave.** – Introduced himself as the Deputy Constable in the 3<sup>rd</sup> Ward and thanked Council members for the opportunity to introduce himself.

**Art Hicks – 571 Princeton Blvd.** – Inquired as to the status of his request for the installation of rumble strips to slow traffic in the Princeton Park area. Ms. Marcinko advised Mr. Hicks that the Borough Engineer; Dave Gilliland had obtained pricing for the project and the estimate was very high. Ms. Marcinko will provide that information to Council and the matter can be reviewed by the Capital Planning Committee.

Mr. Hicks questioned whether the Marcellus Shale drilling would result in revenue to the Borough. Ms. Marcinko commented that Council had taken action to support legislation which was introduced by Senator Ferlo which would provide for certain restrictions on drilling activities in urban areas. Ms. Moore commented that Blackridge area residents had been approached about drilling leases on their properties. Mr. Cohn commented that regulations can be enforced through zoning ordinances.

**Jeffrey Bergman – 800 Waterfront Dr.** – Director of Tree Vitalize Pittsburgh. Mr. Bergman presented a proposal to Council for a PENNVEST project which would provide for the planting of 500 trees in the Borough as a means to control storm water run-off. Typically, PENNVEST awards are loans but in this case, there are grant monies available. He advised that PENNVEST staff is very supportive of this project and encouraged the application for \$500,000.00. Nine Mile Run Watershed Association will be the agency contracted to administer the grant and coordinate the tree planting. The expected results are storm water mitigation and beautification. Mr. Bergman commented on his relationship with the Borough as a former employee of NMRWA and familiarity with the Borough. A resolution of Council is needed in order to authorize the application for funding.

President Moore questioned the locations of the tree plantings. Mr. Bergman advised that the trees would be planted in commercial and residential areas per the NMRWA planting plan and tree inventory.

President Moore questioned whether permission to plant the trees would be required of affected residents. Mr. Bergman advised that a tree would not be planted if a property owner objects to the planting. The size and species selected are those most appropriate to urban areas. Nine Mile Run Watershed Association will maintain the trees for two (2) years following the planting. President Moore commented that there are many streets in the Borough which do not have trees. Mr. Bergman advised that areas with the least canopy cover would be targeted.

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President Moore questioned invasiveness of the root system lifting sidewalks. Mr. Bergman advised that the species selected should not cause this problem.

Mr. Lewis expressed concern with the long term ramifications of the planting. He commented that the Borough has many issues with street trees. He questioned responsibility for the long-term maintenance of the trees. Mr. Bergman advised that he would have to review the shade tree legislation but he believes that the legislation holds the property owner responsible.

Ms. Storch inquired as to the process for notification to residents of their responsibility in maintenance of the trees. Mr. Bergman advised that Western PA Conservancy and NMRWA play a big role in education, advocacy and the benefits of tree planting. Council President Moore stressed the need to educate residents.

Mr. Cohn expressed his support for the project.

Ms. Evans thanked Mr. Bergman for taking the initiative on this project and that many of the problems with street trees are the result of planting an inappropriate species for urban areas. Ms. Evans expressed her support of the project.

Ms. Ervin questioned the process for notifications to residents. Mr. Bergman advised that NMRWA would be responsible for outreach.

Ms. McCarthy-Johnson questioned whether trees can be planted in parks and Mr. Bergman advised that they could.

Council President Moore acknowledged Mr. Widemann, former Junior Councilmember for his attendance.

**ORDINANCES ON FIRST READING**

**Ordinance No. 2849**

**Establishing Handicap Parking Space – 1420 Elm St.**

**Moved:** Mr. Lewis

**Second:** Ms. McCarthy-Johnson

**Yes:** Ms. Ervin, Ms. Evans, Ms. Trice, Mr. Cohn, Mr. Lewis, Ms. McCarthy-Johnson,  
Mr. Lefebvre, President Moore

**Motion carried**

**Ordinance No. 2850**

**Establishing Handicap Parking Space – 512 Jeanette St.**

**Moved:** Mr. Lewis

**Second:** Mr. Cohn

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**Yes:** Ms. McCarthy-Johnson, Mr. Lewis, Mr. Cohn, Ms. Trice, Ms. Evans, Ms. Ervin,  
President Moore

**Motion carried**

**ORDINANCES ON SECOND READING**

**Ordinance No. 2846**

**Approving amendments to the Electrical Code**

**Moved:** Ms. Evans

**Second:** Mr. Cohn

**Yes:** Ms. McCarthy-Johnson, Mr. Lewis, Mr. Cohn, Ms. Trice, Ms. Evans, Ms. Ervin,  
Mr. Lefebvre, President Moore

**Motion carried**

**Ordinance No. 2847**

**Approving amendments to the Fire Prevention Code**

**Moved:** Mr. Lewis

**Second:** Mr. Cohn

**Yes:** Mr. Cohn, Mr. Lewis, Ms. McCarthy-Johnson, Mr. Lefebvre, Ms. Ervin, Ms.  
Evans, Ms. Trice, President Moore

**Motion carried**

**Ordinance No. 2848**

**Establishing Handicap Parking Space – 1348 Penn Ave.**

**Moved:** Mr. Lewis

**Second:** Mr. Lefebvre

**Yes:** Ms. Trice, Mr. Cohn, Mr. Lewis, Ms. McCarthy-Johnson, Mr. Lefebvre, Ms. Ervin,  
Ms. Evans, President Moore

**Motion carried**

**RESOLUTIONS**

**10-098**

**Approving Council Meeting Minutes of July 7, July 21, and August 4, 2010.**

**Moved:** Ms. Evans

**Second:** Ms. Ervin

**Yes:** Mr. Cohn, Mr. Lewis, Ms. McCarthy-Johnson, Mr. Lefebvre, Ms. Ervin, Ms.

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Evans, Ms. Trice, President Moore

**Abstain:** Ms. Ervin (August 4, 2010), Ms. Trice (August 4, 2010)

**Motion carried**

**10-099**

**Approving July Checks Issued in the amounts as follows:**

Regular Distributions 07/01/10-07/31/10	\$ 450,747.66
Payroll Disbursements	\$ 351,628.71
Voided Checks	<u>\$ ( 200.00)</u>
Total	\$ 802,176.37

**Moved:** Mr. Cohn

**Second:** Mr. Lefebvre

**Yes:** Mr. Cohn, Ms. McCarthy-Johnson, Mr. Lefebvre, Ms. Evans, President Moore

**No:** Mr. Lewis, Ms. Ervin, Ms. Trice

**Motion carried 5:3**

**10-100**

**Approving August Checks Issued in the amounts as follows:**

Regular Distributions 08/01/10 – 08/31/10	\$ 919,137.31
Payroll Disbursements	\$ 493,749.74
Voided Checks	<u>\$ ( 1,936.02)</u>
Total	\$1,410,951.03

**Moved:** Mr. Cohn

**Second:** Mr. Lefebvre

**Yes:** Ms. McCarthy-Johnson, Mr. Cohn, Ms. Evans, Mr. Lefebvre, President Moore

**No:** Mr. Lewis, Ms. Trice, Ms. Ervin

**Motion carried 5:3**

**10-101**

**Adopting the Wilkinsburg Comprehensive Plan**

**Moved:** Mr. Cohn

**Second:** Mr. Lefebvre

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**Yes:** Ms. Ervin, Ms. Evans, Mr. Cohn, Ms. McCarthy-Johnson, Mr. Lefebvre,  
President Moore

**No:** Mr. Lewis

**Ms. Trice was not present for the vote.**

**Motion carried**

Mr. Cohn thanked all residents, individuals and staff for the hard work and time spent on the Plan. Mr. Cohn commented that the Wilkinsburg Comprehensive Plan will be a model for the State and the monies received from the State for the plan development.

**10-102**

**Authorizing application to PENNVEST for grant monies in the amount of \$500,000 for Borough wide tree planting project.**

**Moved:** Ms. Evans

**Second:** Mr. Cohn

Council President Moore commented that this will be a positive project for the Borough provided residents are fully informed. Ms. Ervin questioned whether this action is only to authorize the submission of the application. Ms. Marcinko advised that was correct.

**Yes:** Ms. Ervin, Ms. Evans, Mr. Cohn, Ms. McCarthy-Johnson, Mr. Lefebvre, President Moore

**No:** Mr. Lewis

**Ms. Trice was not present for the vote.**

**Motion carried 6:1**

**10-103**

**Approving the PENNVEST financing statement for the tree planting project.**

**Moved:** Ms. Evans

**Second:** Ms. McCarthy-Johnson

Ms. Evans questioned when the Borough can expect a response on the application. Mr. Bergman advised that the PENNVEST Board meets on November 20, 2010. Ms. Ervin questioned the language in the resolution regarding a local match required of the Borough. Mr. Bergman advised that this language provides that the Borough can/may use Borough funds if the project is started before proceeds are received.

**Yes:** Ms. McCarthy-Johnson, Mr. Cohn, Ms. Evans, Mr. Lefebvre, President Moore,

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**No:** Mr. Lewis, Ms. Trice, Ms. Ervin

**Motion carried 5:3**

**10-104**

**Approving the hiring of James Hayden, 1210 Bessica St., as a Parking Enforcement Officer at the rate of \$14.21 per hour in accordance with the wage rate established under the Collective Bargaining Agreement with the SEIU and subject to the successful completion of a background investigation and physical examination to include a drug and alcohol screen.**

**Moved:** Ms. Ervin

**Second:** Ms. Trice

**Yes:** Ms. McCarthy-Johnson, Mr. Lewis, Mr. Cohn, Ms. Trice, Mr. Lefebvre, Ms. Evans, Ms. Ervin, President Moore

**Motion carried**

**NEW BUSINESS**

President Moore recognized legislators and others who are working hard in the Borough. She also recognized employees from Achieva and would like to submit for the Power of Work Award 2010 through Goodwill Industries.

**Adult Library Report:**

Council President Moore reported:

- Beginning computer and internet classes are being offered in the Children's Library. Classes are free but one must register by calling 412 244- 2940. A library card is needed.
- Announced a free pipeline/emergency response program.
- Free Pirate tickets for residents and legislators.
- Wise Walk starts on Tuesday at 10:00 AM.

Mr. Cohn commented that the Finance Committee has been discussing issues of refuse collection for six (6) units and more. It is recommended that, commencing January 1, 2011, property owners with six plus units contract directly with a refuse hauler for collection.

A motion was made by Mr. Cohn, second by Mr. Lewis, to authorize the advertisement of an amendment to the Solid Waste Collection Ordinance to require property owners with six (6) or more units to contract directly with a refuse hauler for refuse collection.

**Moved:** Mr. Cohn

**Second:** Mr. Lewis

**Yes:** Ms. Ervin, Ms. Evans, Ms. Trice, Mr. Cohn, Mr. Lewis, Ms. McCarthy-Johnson,

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Mr. Lefebvre, President Moore

**Motion carried**

Mr. Cohn requested that the Borough Manager send a letter to those property owners advising of the Borough's intent to amend the legislation.

Ms. Marcinko requested Council to approve a resolution to place a banner across Penn Ave. to advertise for the Pittsburgh Symphony Orchestra Concert.

**RESOLUTION**

**10-105**

**Sponsor a Banner across Penn Ave. between Hay St. and Wood St. to announce the Wilkinsburg School District Pittsburgh Symphony Orchestra Concert on November 16, 2010.**

**Moved:** Mr. Cohn

**Second:** Ms. Trice

**Yes:** Ms. Ervin, Ms. Evans, Ms. Trice, Mr. Cohn, Mr. Lewis, Ms. McCarthy-Johnson, Mr. Lefebvre, President Moore

**Motion carried**

President Moore requested an executive session to discuss litigation and advised that action may be taken following the executive session.

Ms. Evans announced the Sprout Fund Mural Project dedication ceremony on Tuesday October 12, 2010 from 4:00-7:00 PM in the Penn Ave. Parklet.

Ms. McCarthy-Johnson announced that there will be a Wilkinsburg High School night football game on Friday, September 17, 2010 at Graham Field and a Commitment to the Community meeting on September 16 at 8:00 AM at the School for the Deaf to discuss a block party to be held on Oct. 2, 2010. She also announced that the Hamnett Place Harvest will be held on Saturday September 18, 2010 from 2:00-5:00 PM.

Council recessed to executive session at 8:27 PM. Council reconvened at approximately 9:05 PM.

**ADJOURNMENT**

Being no further business, on motion by Mr. Lewis, second by Ms. Trice, the meeting was adjourned at approximately 9:06 P.M.